TYPE I-FOIA

# U.S. District Court District of Columbia (Washington, DC) CIVIL DOCKET FOR CASE #: 1:18-cv-03004-TNM

ENVIRONMENTAL DEFENSE FUND v. UNITED STATES

DEPARTMENT OF TRANSPORTATION Assigned to: Judge Trevor N. McFadden Cause: 05:552 Freedom of Information Act Date Filed: 12/19/2018 Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

#### **Plaintiff**

#### ENVIRONMENTAL DEFENSE FUND

#### represented by Nathaniel Hemmerick Hunt

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V.

# **Defendant**

UNITED STATES DEPARTMENT OF TRANSPORTATION

represented by Brian P. Hudak

U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA 555 Fourth Street, NW Washington, DC 20530

(202) 252–2549 Fax: (202) 252–2599

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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# Case: 1:18-cv-03004-TNM As of: 02/11/2019 05:33 AM EST 2 of 2

Civil Cover Sheet, # 8 Summons U.S. Attorney General, # 9 Summons U.S. Department of Transportation, # 1,0 Summons U.S. Attorney's Office for the District Columbia)(Burgess, Tyler) (Entered: 12/19/2018)  12/21/2018   Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 12/21/2018)  12/21/2018   STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/2018. (lctnm2) (Entered: 12/21/2018)  12/21/2018   SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachments: # 1 Notice and Consent) (zmd) (Entered: 12/21/2018)  01/02/2019   LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financi Interests by ENVIRONMENTAL DEFENSE FUND (Burgess, Tyler) (Entered: 01/02/2019)  01/02/2019   MOTION for Leave to Appear Pro Hac Vice: Attorney Name—Nathaniel Hunt, Firm—Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No.—(303) 825—7000. Fax No.—(303) 825—7005 Filing fee \$ 100, receipt number 0900—5865955. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order) (Burgess, Tyler) (Entered: 01/02/2019)  01/02/2019   MOTION for Leave to Appear Pro Hac Vice: Attorney Name—Samantha R. Caravello, Firm—Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No.—(303) 825—7000. Fax No.—(303) 825—7005 Filing fee \$ 100, receipt number 0900—5865954. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order) (Burgess, Tyler) (Entered: 01/02/2019)  01/02/2019   MINUTE ORDER granting \$ Motion for Leave to Appear Pro Hac Vice: granting \$ Motion for Leave to Appear Pro Hac Vice: granting \$ Motion for Leave to Appear Pro Hac Vice: granting \$ Motion for Leave to Appear Pro Hac Vice upon United States Attorn			
12/21/2018   2   STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/2018.	12/19/2018	1	DEPARTMENT OF TRANSPORTATION (Filing fee \$ 400 receipt number 0090–5849037) filed by ENVIRONMENTAL DEFENSE FUND. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Civil Cover Sheet, # 8 Summons U.S. Attorney General, # 9 Summons U.S. Department of Transportation, # 10 Summons U.S. Attorney's Office for the District of
McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/2018.	12/19/2018		Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 12/21/2018)
TRANSPORTÁTION, U.S. Attorneý and U.S. Attorney General (Attachments: # 1 Notice and Consent) (zmd) (Entered: 12/21/2018)  101/02/2019  4 LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financi Interests by ENVIRONMENTAL DEFENSE FUND (Burgess, Tyler) (Entered: 01/02/2019)  5 MOTION for Leave to Appear Pro Hac Vice: Attorney Name— Nathaniel Hunt, Firm— Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865955. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order) (Burgess, Tyler) (Entered: 01/02/2019)  101/02/2019  6 MOTION for Leave to Appear Pro Hac Vice: Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865994. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order) (Burgess, Tyler) (Entered: 01/02/2019)  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  101/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  201/02/2019  301/02/2019  201/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  301/02/2019  302/00/2019  302/	12/21/2018	2	McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/2018.
Interests by ENVIRONMENTAL DEFENSE FUND (Burgess, Tyler) (Entered: 01/02/2019)	12/21/2018	3	TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachments: # 1
Firm—Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865955. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Burgess, Tyler) (Entered: 01/02/2019)    MOTION for Leave to Appear Pro Hac Vice :Attorney Name—Samantha R. Caravello, :Firm—Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865994. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Burgess, Tyler) (Entered: 01/02/2019)    MINUTE ORDER granting \( \frac{5}{2}\) Motion for Leave to Appear Pro Hac Vice : granting \( \frac{6}{2}\) Motion for Leave to Appear Pro Hac Vice. Counsel Nathaniel Hunt and Samantha Caravello shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 1/2/2019. (letnm2) (Entered: 01/02/2019)    RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/7/2019. Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # 1 Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth). (Entered: 01/29/2019)    O2/06/2019	01/02/2019	4	
Caravello, :Firm- Kaplan Kirsch & Rockwell LLP, :Áddress- 1675 Broadway, Suite 2300, Denver, CO 80202. Phone No (303) 825-7000. Fax No (303) 825-7005 Filing fee \$ 100, receipt number 0090-5865994. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Burgess, Tyler) (Entered: 01/02/2019)  01/02/2019  MINUTE ORDER granting 5 Motion for Leave to Appear Pro Hac Vice; granting 6 Motion for Leave to Appear Pro Hac Vice. Counsel Nathaniel Hunt and Samantha Caravello shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 1/2/2019. (letnm2) (Entered: 01/02/2019)  7 RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/7/2019. Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/7/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # 1 Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth). (Entered: 01/29/2019)  02/06/2019  8 Consent MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF TRANSPORTATION (Attachments: # 1 Text of Proposed Order)(Hudak, Brian) (Entered: 02/06/2019)  MINUTE ORDER granting 8 Motion for Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (letnm2) (Entered: 02/07/2019)	01/02/2019	<u>5</u>	:Firm— Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865955. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of
Motion for Leave to Appear Pro Hac Vice. Counsel Nathaniel Hunt and Samantha Caravello shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 1/2/2019. (lctnm2) (Entered: 01/02/2019)  7 RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/7/2019. Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/7/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # 1 Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth). (Entered: 01/29/2019)  8 Consent MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF TRANSPORTATION (Attachments: # 1 Text of Proposed Order)(Hudak, Brian) (Entered: 02/06/2019)  102/07/2019 MINUTE ORDER granting 8 Motion for Extension of Time, Upon considering the Defendant's 8 Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (lctnm2) (Entered: 02/07/2019)  102/07/2019 Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by	01/02/2019	<u>6</u>	Caravello, :Firm— Kaplan Kirsch & Rockwell LLP, :Address—1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. — (303) 825—7000. Fax No. — (303) 825—7005 Filing fee \$ 100, receipt number 0090—5865994. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # 1 Declaration, # 2 Text of
United States Attorney. Date of Service Upon United States Attorney on 1/7/2019.  Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/7/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # 1 Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth). (Entered: 01/29/2019)  8 Consent MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF TRANSPORTATION (Attachments: # 1 Text of Proposed Order)(Hudak, Brian) (Entered: 02/06/2019)  MINUTE ORDER granting 8 Motion for Extension of Time. Upon considering the Defendant's 8 Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (Ictnm2) (Entered: 02/07/2019)  Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by	01/02/2019		Motion for Leave to Appear Pro Hac Vice. Counsel Nathaniel Hunt and Samantha Caravello shall promptly register for this Court's CM/ECF system. Signed by Judge
DEPARTMENT OF TRANSPORTATION (Attachments: # 1 Text of Proposed Order)(Hudak, Brian) (Entered: 02/06/2019)  MINUTE ORDER granting 8 Motion for Extension of Time. Upon considering the Defendant's 8 Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (Ictnm2) (Entered: 02/07/2019)  Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by	01/29/2019	7	Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/7/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # 1 Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth).
Defendant's <u>8</u> Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (lctnm2) (Entered: 02/07/2019)  Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by	02/06/2019	8	DEPARTMENT OF TRANSPORTATION (Attachments: # 1 Text of Proposed
	02/07/2019		Defendant's <u>8</u> Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13, 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (lctnm2) (Entered:
2/13/2019. (hmc) (Entered: 02/07/2019)	02/07/2019		Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by 2/13/2019. (hmc) (Entered: 02/07/2019)